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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,165	11/14/2001	Christopher Uhlik	15685P078C	5755
8791 7590 01/18/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER AHMED, SALMAN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/003,165

Applicant(s)

UHLIK ET AL.

Examiner

Salman Ahmed

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/18/2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments, see pages 7-13 of the Remarks section, filed 12/18/2006, with respect to the rejections of claims have been fully considered and are not persuasive.

Applicant argues (see page 7 and first paragraph of 8) that the Examiner has not

given sufficient reasons for his position as to the issue of Chuah teaching of "simultaneous wireless communication sessions".

Examiner's position is given as follows:

The Point-to-Point Protocol (PPP) originally emerged as an encapsulation protocol for transporting IP traffic over point-to-point links. PPP also established a standard for the assignment and management of IP addresses, asynchronous (start/stop) and bit-oriented synchronous encapsulation, network protocol multiplexing, link configuration, link quality testing, error detection, and option negotiation for such capabilities as network layer address negotiation and data-compression negotiation. PPP supports these functions by providing an extensible Link Control Protocol (LCP) and a family of Network Control Protocols (NCPs) to negotiate optional configuration parameters and facilities. PPP provides a method for transmitting datagrams over serial point-to-point links. PPP contains three main components:

- o A method for encapsulating datagrams over serial links. PPP uses the High-Level Data Link Control (HDLC) protocol as a basis for encapsulating datagrams over point-to-point links. (See Chapter 16, "Synchronous Data Link Control and Derivatives," for more information on HDLC.)
- o An extensible LCP to establish, configure, and test the data link connection.

- o A family of NCPs for establishing and configuring different network layer protocols. PPP is designed to allow the simultaneous use of multiple network layer protocols.

Chuah, in his invention uses Multilink PPP. Chuah in column 4 lines 5-30 and FIG. 4 illustrates use of the Non-Sharing QoS Option with standard Multilink PPP. For convenience, in FIG. 4 it is assumed that the transmitting peer is Peer A and the receiving peer is Peer B (transmitting and receiving from the point of view of negotiation, e.g., Peer A requests the Non-Sharing QoS option.) As noted above, the Non-sharing QoS option message allows a PPP peer to specify the number of classes to be carried on a particular link. For example, assumed a PPP peer first activates a link (link 1) using this Non-Sharing QoS option message and specifies that there will be two classes on link 1, namely classes 3 and 4. (That is, the NoCls field is set to 2, and the QoS Bitmap field is set to "00011000.") Then, the PPP peer subsequently activates 2 more links without enabling the Non-sharing QoS option (i.e., no Non-Sharing QoS option message was included in the negotiation phase for these additional links). This means all PPP frames with class numbers 3 and 4 will be carried over link 1, the rest of the PPP frames will be segmented, or fragmented, (as is done in multilink PPP) and carried over the two remaining links (links 2 and 3) that were not negotiated with the Non-Sharing QoS option. Note that the bearer data (PPP frames) can use either the short or long sequence number fragment format with classes. Chuah further teaches (column 6 lines 9-20) the inventive concept provides a QoS mechanism within existing PPP that allows packets from some given sessions to be sent to one physical link and packets from other sessions to be sent to another physical link (emphasis added). Further, it provides the exact class numbers that are activated at any particular time for admission control, radio resource management, and traffic engineering purposes. Finally, it provides the ability to map packets from one or multiple IP sessions into one of the wireless link in the link bundle. In other words, a packet endpoint knows the exact types of the different classes that will be activated over any specific link. Examiner respectfully points out that from the above description it is understood that Chuah teaches multiple PPP links, multiple sessions and PPP that allows packets from some given sessions to be sent to one physical link and packets from other sessions to be sent to another physical link. As such, multiple PPP links between Peer A and Peer B carries multiple sessions between them.

Regarding claim 1, Applicant argues (page 8 last paragraph and page 9) that the Examiner has taken the highly untenable position that "links can be thought of as sessions" and provides absolutely no support for this assertion. However, Examiner respectfully disagrees with the assertion. Examiner respectfully points out to the descriptions above to clarify his position and further points out that Chuah teaches multiple PPP links, multiple sessions and PPP that allows packets from some given sessions to be sent to one physical link and packets from other sessions to be sent to another physical link. As such, multiple PPP links between Peer A and Peer B carries multiple sessions between them. It is for the same reasons that the Examiner respectfully disagrees with the assertions that Chuah only ever discloses activating a single PPP and makes the distinction between a link and a session that the Examiner is apparently unwilling to make.

It is for the same reasons Examiner respectfully disagrees with the assertion (see page 10) that Ho, Akhtar and Chuah2 fail to cure the deficiencies of Chuah; claims 2, 6, 7 and 11-14 thus stands rejected.

In regards to claims 15 and 20, Applicant argues (see page 12) that the cited reference do not teach "a deterministic element and a random element of a communication session identifier". However, Examiner respectfully disagrees with the assertions. Akhtar in the same field of endeavor teaches that IPM-L2-Address AVP (column 84 lines 15-20), carries the L2-Address of IPM Client connection. The AVP carries both Address and Data. The types of Addresses include, among others, 802.3 Address (0), 802.11 Address (1), IMSI (2), and MIN (3). The Address' are deterministic elements of a communication session identifier. Akhtar further teaches IPM-SMM-MN-Key AVP (column 84 lines 59-61) carries the shared secret key between Serving Mobility Manager and Mobile Node. This key is only valid for the session. As such key generation has inherent randomness associated with it, as it is known in the art, for security purpose. Examiner further respectfully points out that the Applicant's argument stating "the two AVPs are respectively for a deterministic element and a random element of the same (emphasis added) communication session identifier is not reflected in the claimed invention. As such claims 15-24 stands rejected.

Claims 8 and 9 stand rejected for the same reasons cited above.